

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS

TRUSTEES OF THE PLUMBERS AND GASFITTERS'
LOCAL UNION NO. 12 WELFARE, PENSION,
ANNUITY, VACATION & XMAS and FRINGE
BENEFIT FUNDS; AND PLUMBERS AND
GASFITTERS LOCAL 12

Plaintiffs

VS.

CRANE MECHANICAL CO., INC.

Defendant

CASE NO.
03-CV-12452 (MLW)

July 26, 2004

NOTICE OF WITHDRAWAL OF COMPLAINT

Pursuant to F.R.C.P. Rule 41(a), the Plaintiff Funds Trustees hereby withdraw the instant Complaint, without prejudice, as the Defendant has paid the delinquent contributions at issue in the Complaint and is current in payment at this time. Additionally, Defendant has not filed an Answer or any responsive pleadings to the Complaint and, therefore, voluntary dismissal pursuant to F.R.C.P. 41(a) is appropriate.

Finally, Plaintiffs in this matter filed a Motion for entry of default for failure to plead on February 19, 2004 pursuant to F.R.C.P. 55(b). However, Plaintiff did not file a request for entry of Judgment By Default pursuant to F.R.C.P. 55(b)(1) and did not, therefore, provide an affidavit as required by the that Rule. It would appear, therefore, that the

"default judgment" dated March 15, 2003 and received in this office June 16, 2004 was entered in error (see Attachment 1).

Respectfully submitted,

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Notice of Withdrawal of Complaint has been mailed first class and postage prepaid this 24th day of June 2004 to the following:

Ken Crane
CRANE MECHANICAL, INC.
915 Massachusetts Avenue
Boston, MA 02118


Robert M. Cheverie

JTF:12FUNDS.Crane Mechanical.2004
Withdrawal of Complaint.07-26-04